

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

FEB 04 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TALCUM MARSH, III,

Defendant - Appellant.

Nos. 06-50449, 06-50457

D.C. Nos. CR-05-0034-DOC  
CR-05-0122-DOC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
David O. Carter, District Judge, Presiding

Argued and Submitted January 11, 2008  
Pasadena, California

Before: FARRIS and M. SMITH, Circuit Judges, and SANDOVAL<sup>\*\*</sup>, District  
Judge.

Talcum Marsh, III appeals from the district court's judgment sentencing him  
to a 262-month term of imprisonment. We have jurisdiction pursuant to 28 U.S.C.  
§ 1291. We affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The Honorable Brian E. Sandoval, United States District Judge for the  
District of Nevada, sitting by designation.

The district court did not err in imposing a twenty-level enhancement for an intended loss amount of \$18 million. *See United States v. Tulaner*, No. 06-10304, 2008 WL 80703 at \*2 (9th Cir. Jan. 9, 2008) ("[T]he full scope of the defendant's fraudulent conduct is taken into account when calculating the intended loss."); U.S.S.G. § 2B1.1 (2005).

The district court's four-level enhancement of Marsh's sentence under U.S.S.G. § 3B1.1(a) was proper because the evidence supports the district court's determination that Marsh was an organizer or leader. *United States v. Garcia*, 497 F.3d 964, 969-70 (9th Cir. 2007); *United States v. Avila*, 95 F.3d 887, 889 (9th Cir. 1996).

Because the district court adequately considered the factors identified in 18 U.S.C. § 3553(a), the sentence imposed was reasonable. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007).

**AFFIRMED.**